

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

Complaint of Randall Ehrlich

Docket No. C2020-1

CHAIRMAN'S INFORMATION REQUEST NO. 2

(Issued February 4, 2020)

To clarify the basis of the Postal Service's motion to dismiss, filed January 13, 2020,<sup>1</sup> the Postal Service is requested to provide written responses to the following questions. Answers should be provided to the individual questions as soon as they are developed, but no later than February 11, 2020. Responses to the Postal Service's answers (and limited in scope to only the answers) may be submitted to the Commission no later than February 18, 2020.

1. The Postal Service states that the Complainant "admits he has been and remains the owner of at least one dog whose behavior required the issuance of a dog hold." Motion to Dismiss at 13. However, neither the Complaint<sup>2</sup> nor response to Motion to Dismiss<sup>3</sup> contains any admission by the Complainant that he remains the owner of the dog who originally triggered the dog hold. Rather, the Complainant alleges that the offending dog was adopted to a third party.<sup>4</sup>
  - a. Please explain the basis for the Postal Service's statement in the Motion to Dismiss.

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<sup>1</sup> United States Postal Service Motion to Dismiss with Prejudice the Complaint of Randall Ehrlich, January 13, 2020 (Motion to Dismiss).

<sup>2</sup> Complaint of Randall Ehrlich, December 23, 2019 (Complaint).

<sup>3</sup> Response to Motion to Dismiss, January 31, 2020 (Response to Motion to Dismiss).

<sup>4</sup> See Complaint at 5; Response to Motion to Dismiss at 3.

- b. Please explain whether, if the Complainant's allegation were taken as true, the Postal Service would reinstate his porch mail delivery and lift the dog hold on his residence.
  - c. If the answer to (b) is no, please provide justification as to why retaining a dog hold on a residence when there is no longer any potential threat to a mail carrier is consistent with 39 U.S.C. § 403(c).
  - d. If the answer to (b) is no, please provide examples of other situations where the Postal Service continues a dog hold on a residence even though there is no potential threat to a mail carrier.
- 2. In its response to Chairman's Information Request No. 1<sup>5</sup>, the Postal Service states that it "does not expect its employees to be experts in animal behavior or to attempt to determine which dog may be dangerous." Response to CHIR No. 1, question 1.b. The Complainant alleges that a Postal Service representative came to Complainant's residence and had a positive interaction with Complainant's remaining dog. Complaint at 5; Response to Motion to Dismiss at 3.
  - a. Please explain why a visit from a Postal Service representative with a positive interaction with the dog at Complainant's residence was not sufficient to lift the ongoing dog hold.
  - b. Please provide any records in the Postal Service's possession regarding the visit by the Postal Service representative to Complainant's residence.
- 3. The Seattle District Animal/Insect Policy (Policy), cited by the Postal Service in Exhibit 1 to its Response to CHIR No.1, uses a carrier's qualitative discretion in determining when a dog hold may be lifted. The Policy states that "[w]hen there is an unrestrained dog anywhere in the proximity of a delivery, mail will be

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<sup>5</sup> Responses of the United States Postal Service to Questions 1-2 of Chairman's Information Request No. 1, January 23, 2020 (Response to CHIR No. 1).

withheld from *as many deliveries as necessary* to ensure the employee's safety...[i]f the situation is corrected to the point where the *carrier no longer feels an immediate threat*, delivery may be resumed." Response to CHIR No. 1, Exhibit 1 at 1 (emphasis added). Please describe the safeguards or due process the Postal Service provides pursuant to its policy to insure that the carrier's subjective judgment for lifting a dog hold does not contravene the prohibition against undue discrimination among postal customers in 39 U.S.C. § 403(c).

4. The Policy also states that "[n]o mail will be delivered where a postal employee observes an unrestrained dog in the area." *Id.* It goes on to state that "[c]arriers will not enter into yards or areas where a dog (or dogs) are not being kept behind a solid closed door of wooden or steel construction (not a screen or storm door)...." Is it the Postal Service's position that no carrier in the Seattle District is continuing to deliver mail to houses where dogs are only restrained by a screen or storm door? If not, please explain.

By the Chairman.

Robert G. Taub